REMARKS

Claims 1-9, 19-27, and 37-45 are pending with this paper. Claims 1-9, 19-27, and 37-45 stand rejected by this Office Action. Applicant notes that claims 10-18, 28-36, and 46-54 were cancelled in the previous response filed on March 13, 2006.

Applicant thanks the Examiner for the telephonic interview on August 2, 2006 to discuss the finality of the Office Action. The Examiner acknowledged that the finality was improper and that the finality would be withdrawn. (A Request for Continued Examination was filed with the previous response filed by the Applicant on March 13, 2006.)

Other Amendments

Applicant is amending claims 1, 19, and 37 to replace "a business deliverable" with "the business deliverable", clarifying a proper antecedent basis.

Claim Rejections - 35 U.S.C. § 101

Claims 1-17 and 19-54 are directed to non-statutory subject matter.

Applicant is amending claim 1 to include the features of "receiving a goal, the goal in a specific task being within a context of a training objective of a student in a business simulation application, the goal being specified by a business deliverable," "integrating information that guides the student through the business simulation application to accomplish the goal by the student," and "evaluating the progress toward the goal and providing feedback that further guides the student to accomplish the goal for use in the presentation." The amendment is supported by the specification as originally filed. For example, the specification discloses (Page 12, line 27 – page 13, line 12. Emphasis added.):

> A good way to gain better appreciation for how the BusSim Toolset can vastly
> improve the BusSim development effort is to walk through scenarios of how the

tools would be used through the development lifecycle of a particular task in a BusSim application. **For this purpose, we'll assume that the goal of the student in a specific task is to journalize invoice transactions, and that this task is within the broader context of learning the fundamentals of financial accounting.** A cursory description of the task from the student's perspective will help set the context of the scenarios. Following the description are five scenarios which describe various activities in the development of this task. The figure below shows a screen shot of the task interface. Figure 7 illustrates the use of a toolbar to navigate and access application level features in accordance with a preferred embodiment. A student uses a toolbar to navigate and also to access some of the application-level features of the application. The toolbar is the inverted L-shaped object across the top and left of the interface. The top section of the toolbar allows the user to navigate to tasks within the current activity. The left section of the toolbar allows the student to access other features of the application, including feedback. The student can have his deliverables analyzed and receive feedback by clicking on the Team button.

In this task the student must journalize twenty-two invoices and other source documents to record the flow of budget dollars between internal accounts. (Note: "Journalizing", or "Journalization'" is the process of recording journal entries in a general ledger from invoices or other source documents during an accounting period. The process entails creating debit and balancing credit entries for each document. At the completion of this process, the general ledger records are used to create a trial balance and subsequent financial reports.) In accordance with a preferred embodiment, an Intelligent Coaching Agent Tool (ICAT) was developed to standardize and simplify the creation and delivery of feedback in a highly complex and open-ended environment. **Feedback from a coach or tutor is instrumental in guiding the learner through an application.** Moreover, by diagnosing trouble areas and recommending specific actions based on predicted student understanding of the domain student comprehension of key concepts is increased. By writing rules and feedback that correspond to a proven feedback strategy, consistent feedback is delivered throughout the application, regardless of the interaction type or of the specific designer/developer creating the feedback. The ICAT is packaged with a user-friendly workbench, so that it may be reused to increase productivity on projects requiring a similar rule-based data engine and repository.

The Office Action alleges that (Page 2, section 2):

Regardless of whether any of the claims are in the technological arts, none of them is limited to practical applications in the technological arts.

The Office Action further alleges (Page 2, section 2.):

Examiner finds that Applicant's "goal" references are just such abstract ideas.

Regarding claim 1, the claim is directed to a practical application with a "specific task within a context of a training objective of a student in a business simulation application." Moreover, the "goal references" are <u>not</u> just abstract ideas. The goal is specified by a business deliverable. In the above-mentioned disclosure, an exemplary embodiment supports a business goal, in which a student completes a business deliverable (e.g., the journalization of twenty-two invoices to record flow of money between internal accounts). The Office Action further alleges that (Page 3, section 3):

> The word "associated" is undefined and it is unclear whether this word limits the claims to statutory subject matter.

As previously discussed, Applicant is amending claim 1 to include the feature of "receiving a goal, **the goal in a specific task being within a context of a training objective of a student in a business simulation application**, the goal being specified by a business deliverable." (Emphasis added.) As amended, the feature does not include the term "associated", and thus the concern expressed in the Office Action is moot. Exemplary embodiments of the above feature are discussed in the specification as originally filed. For example, as discussed above, the specification discloses (Page 12, lines 29-30.):

> For this purpose, we'll assume that the goal of the student in a specific task is to journalize invoice transactions, and that this task is within the broader context of learning the fundamentals of financial accounting.

The Office Action further alleges that (Page 11, Response to the Arguments.):

> Further, a "business deliverable" is not statutory either. There is no limitation making sure that the deliverable is data representing the real world ... much less within public policy. Applicant's claims are so abstract, that applications of the algorithm that are against public policy are within the claim scope ... there is no guarantee that the "business deliverable is even legal with respect to criminal statutes. If Applicant had specified that the "business goal" is, for instance, completing certain stock broker tasks like analyzing a market and making an accurate recommendation to a client as to whether to spend discrete dollar values on some stocks ... then yes, there would be a limitation that clarified whether the invention is statutory ... or even whether it is against public policy.

Applicant respectfully notes that almost any claimed invention can be used for ill-purposes, or be at some point employed in ways against public policy. Chemicals can be poisons used in murders; a spreadsheet program can be used to perpetrate accounting fraud. However, Applicant believes that the claimed invention is not against public policy. It is not required that applicants for such inventions specifically disclaim any ill-use, or specifically add limitations only to "positive" uses, if that were even possible in closed-form. MPEP §2111 provides the following guidance (Emphasis added.):

> During patent examination, the pending claims must be given the broadest reasonable interpretation **consistent with the specification**.

As discussed above, Applicant discloses an application with at least one exemplary embodiment in financial accounting. Applicant has not disclosed or even suggested, let alone claimed an invention that is against public policy. Consequently, Applicant believes that the Office Action has not reasonably interpreted the claims, which for the reasons given above claim statutory subject matter.

Similarly, Applicant is amending independent claim 19 to include the features of "presenting information indicative of a goal, the goal in a specific task being within a context of a training objective of a student in a business simulation application, the goal being specified by a business deliverable," integrating information that guides the student through the business simulation application to accomplish of the goal by the user in a simulated environment goal for use in the presentation," and "monitoring progress toward the goal and providing feedback that further guides the student to accomplish of the goal in the simulated environment to help the student complete the business deliverable." Also, Applicant is amending claim 37 to include the features of "receiving indicia representative of a goal into a model, the goal in a specific task being within a context of a training objective of a plurality of students in a business simulation

application, the goal being specified by a business deliverable." Thus, the above discussion applies to independent claims 19 and 37.

The Office Action further alleges (Page 3, section 4.):

Further, in claim 10, Applicant recites that the "feedback" or display of information "motivates" accomplishment of a goal. "Motivation" is a human thought and the inclusion of it does not make the invention statutory.

The above argument presented by the Office Action is moot. Applicant cancelled claim 10 in the previous response filed on March 13, 2006. Moreover, as amended and as discussed above, none of the pending claims includes the term "motivation."

The Office Action alleges that (Page 5, section 9. Emphasis added.):

Applicant cites no such specific results to define a **useful, concrete and tangible** result. Neither does Applicant specify the associated practical application with the kind of specificity the Federal Circuit used.

The Office Action further alleges that (Pages 7-8, section 7):

The claims take several abstract ideas (i.e., "goals" in the abstract) and manipulate them together adding nothing to the basic equation. Claims 1-9, 19-27, and 37-45 are, thereby, rejected under 35 U.S.C. §101.

Applicant respectfully disagrees. Regarding claim 1, the claim is directed to a computer-implemented method in which the goal is "specified by a business deliverable," "guides the student through the business simulation application to accomplish the goal by the student," provides "feedback that further guides the student to accomplish the goal," and adjusts "the feedback based on progress of the student toward the goal to help the student complete the business deliverable." For example, the method helps the student complete the business deliverable, which is a specific result that is useful, concrete, and tangible. Moreover, claim 1 includes the feature of "the goal being specified by a business deliverable," which is not abstract.

The above arguments also pertain to independent claims 19 and 37 because claims 19 and

37 include similar features as discussed above. Moreover, claims 2-9, 20-27, and 38-45

ultimately depend from claims 1, 19, and 37. For at least the above reasons, Applicant requests

reconsideration of claims 1-9, 19-27, and 37-45.

Claim Rejections - 35 U.S.C. § 112

Claims 1-17 and 19-54 are rejected by the Office Action under 35 U.S.C. 112. The

Office Action alleges that claims 1-54 are rejected under 35 U.S.C. 112, first paragraph

"because current case law (and accordingly, the MPEP) require such a rejection if a 101

rejection is given".

The Office Action alleges that (Page 8, section 18.):

Claims 1-17 and 19-54 are rejected under 35 U.S.C. §112, first paragraph because
current case law (and accordingly, the MPEP) require such a rejection if §101
rejection is given because when Applicant has not in fact disclosed the practical
application for the invention, as a matter of law there is no way Applicant could
have disclosed how to practice the undisclosed practical application.

Applicant respectfully disagrees. As discussed above, the specification, as originally filed,

discloses a practical application, e.g., page 12, line 27 – page 13, line 12. Moreover, as discussed

above, Applicant requests withdrawal of the rejections under §101. Consequently, Applicant

requests that the rejections of claims 1-9, 19-27, and 37-45 under §112, first paragraph be

withdrawn.

Claims 1-9, 19-27, and 37-45 are rejected by the Office Action under 35 U.S.C. 112,

second paragraph, as allegedly being indefinite for failing to particularly point out and

distinctly claim the subject matter with applicant regards as the invention.

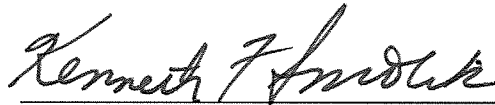The Office Action alleges that (Page 9, section 21. Emphasis added.):

> Specifically, Applicant has amended the language to recite: "...the goal being associated with a training objective of a student." The word **"associated"** is undefined and it is unclear whether this word limits the claims to statutory subject matter.

As discussed above, Applicant is amending independent claims 1, 19, and 37 so that the above argument is moot. Applicant requests reconsideration of claims 1-9, 19-27, and 37-45.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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